

03/22/01  
1036 U.S. PTO

A

UTILITY PATENT APPLICATION TRANSMITTAL  
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
016741/00080

Total Pages in this Submission

## TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application  
Washington, D.C. 202311036 U.S. PTO  
03/22/01

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

CONTAINMENT SYSTEM

and invented by:

KELLY FETZER

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 09/397,174

Which is a:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 08/932,419

Which is a:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

## Application Elements

1.  Filing fee as calculated and transmitted as described below
2.  Specification having 65 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Microfiche Appendix (*if applicable*)
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if drawings filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

SEARCHED  
INDEXED  
MAILED  
03/22/01  
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# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

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## Application Elements (Continued)

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)
  - a.  Formal Number of Sheets \_\_\_\_\_
  - b.  Informal Number of Sheets 39
4.  Oath or Declaration
  - a.  Newly executed (original or copy)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  Computer Program in Microfiche (Appendix)
7.  Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
  - a.  Paper Copy
  - b.  Computer Readable Copy (identical to computer copy)
  - c.  Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8.  Assignment Papers (cover sheet & document(s))
9.  37 CFR 3.73(B) Statement (when there is an assignee)
10.  English Translation Document (if applicable)
11.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
12.  Preliminary Amendment
13.  Acknowledgment postcard
14.  Certificate of Mailing

First Class  Express Mail (Specify Label No.): EL319075233US

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
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## Accompanying Application Parts (Continued)

15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)

16.  Additional Enclosures (please identify below):

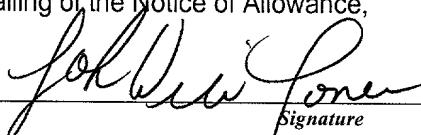
Interference with Exhibits; Declaration of John Wilson Jones; Declaration of Kelly Fetzer; Information Disclosure Statement; Declaration; Power of Attorney by Assignee; Recordation Form Cover Sheet; Assignment (2 pages)

## Fee Calculation and Transmittal

### CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims		- 20 =	0	x \$18.00	\$0.00
Indep. Claims		- 3 =	0	x \$78.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				
					\$0.00
					\$710.00
OTHER FEE (specify purpose)					\$0.00
					\$710.00

A check in the amount of **\$710.00** to cover the filing fee is enclosed.  
 The Commissioner is hereby authorized to charge and credit Deposit Account No. as described below. A duplicate copy of this sheet is enclosed.  
 Charge the amount of \_\_\_\_\_ as filing fee.  
 Credit any overpayment.  
 Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.  
 Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

  
Signature  
JOHN WILSON JONES

REG. NO.: 31,380



**022904**

PATENT TRADEMARK OFFICE

Dated: **March 20, 2001**

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In Re Applicant:</b>	<b>Group Art: 1764</b>
KELLY FETZER	
<b>Serial No.:</b> TBA	<b>Examiner: B. Yildirim</b>
<b>Filed:</b> March 20, 2001	
<b>For:</b> CONTAINMENT SYSTEM	<b>Att/Doc. No.: 016741/00080</b>

**BOX INTERFERENCES**

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Dear Sir:

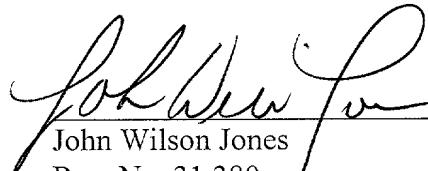
The following documents are attached:

- (1) Utility Patent Application Transmittal (Large Entity);
- (2) Specification (65 pages);
- (3) Drawings (Informal, 39 Sheets);
- (4) Preliminary Amendment;
- (5) Declaration;
- (6) Power of Attorney By Assignee;
- (7) Recordation Form Cover Sheet;
- (8) Assignment (2 pages)
- (9) Information Disclosure Statement; PTO Form 1449
- (10) Request For Interference With U.S. Patent No. 6,039,844 Under  
37 C.F.R. § 1.607;
- (11) Exhibits 1, 2, 3, 4, & 5;
- (12) Declaration of John Wilson Jones;
- (13) Declaration of Kelly Fetzer;
- (14) Check for \$710.00; and
- (15) Postcard.

Applicant believes the amount due to file the above papers is \$710.00. If however the Applicant is in error, the Commissioner is hereby authorized to charge any additional fees and/or credits to the **Locke Liddell & Sapp LLP Deposit Account No. 12-1322** under Order No. **016741/00080** during the entire pendency of this application.

A duplicate copy of this paper is enclosed for accounting purposes.

Respectfully submitted,

  
John Wilson Jones  
Reg. No. 31,380

Dated: March 20, 2001

**LOCKE LIDDELL & SAPP LLP**  
600 Travis, Suite 3400  
Houston, Texas 77002-3095  
Telephone No.: (713) 226-1142  
Facsimile No.: (713) 223-3717



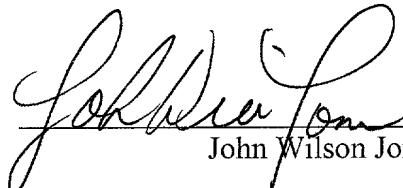
**022904**

PATENT TRADEMARK OFFICE

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated below, in an envelope as "Express Mail Post Office to Addressee," service under 37 C.F.R. § 1.10, Mailing Label Number EL319075233US, addressed to the Assistant Commissioner For Patents, Washington, D.C. 20231.

DATED: March 20, 2001

  
John Wilson Jones

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Applicant: §  
KELLY FETZER §  
Serial No.: Unknown §  
Filed: March 20, 2001 §  
For: CONTAINMENT SYSTEM §  
Examiner: B. Yildirim §  
Atty. Docket No.: 016741/00080 §

Dear Sir:

**REQUEST FOR INTERFERENCE**  
**WITH U.S. PATENT NO. 6,039,844 UNDER 37 C.F.R. § 1.607**

This REQUEST accompanies the filing of a new application (with concurrently filed Preliminary Amendment) which relates back to U.S patent application Serial No. 08/932,419, filed on September 17, 1997 through an intervening divisional application Serial No. 09/397,174 filed on September 16, 1999. U.S. patent application Serial No. 08/932,419 issued into U.S. Patent No. 6,022,454 on February 8, 2000, copy attached as *Exhibit 1*. The claims of U.S. Patent No. 6,022,454 are drawn to a system for the substantial remote operation of a vessel comprising at least one remote operable joint connector for connecting or disconnecting a plurality of structural units and a plurality of clamp segments, whereby the joint connector is put into an open or closed state depending upon the positioning of the clamp segments. U.S. patent application serial no. 09/397,174 contains claims drawn to an at least partially remote operable apparatus for controlling loose material exiting a coke drum and a method of substantially enclosing the deheading of a coke drum.

Pursuant to the provision of 37 C.F.R. § 1.607, Applicant requests the declaration of an interference between the present application and U.S. Patent No. 6,039,844 assigned to Citgo Petroleum Corporation (hereinafter referred to as "Citgo '844"). A copy of Citgo '844 is attached as *Exhibit 2*. Applicant, in a concurrently filed Preliminary Amendment, has added claims to this application which are identical to or substantially the same as to Claims 1-4, 6-10 and 12-14 of the Citgo '844 patent. The subject matter of the present application further overlaps Claims 1-4, 6-10 and 12-14 of the Citgo '844 patent.

### **1. Proposed Count for Interference.**

Applicant proposes any or all of the following as the Count for the interference:

#### Proposed Count 1:

An apparatus for confining the discharge of coke, liquids and/or gases from a bottom outlet of a coke drum, the coke drum being supported above a working surface, comprising:

    a shield of dimensions in a horizontal plane greater than that of a horizontal plane of the coke drum bottom outlet and of vertical height at least about as great as the height of the bottom outlet above the working surface; and

    a system to move said shield into position to cover an area from the drum bottom outlet to the working surface.

#### Proposed Count 2:

A safety improved coke drum supported above a working surface comprising:

an upright coke drum having a sidewall and a lower portion that tapers downwardly and inwardly from a lower end portion of the sidewall to a bottom end that has a large diameter bottom outlet therein, the bottom outlet being spaced above the working surface;

a removable flange member closing said bottom outlet;

a shield of dimensions in a horizontal plane greater than that of a horizontal plane of the coke drum bottom outlet and of vertical height at least about as great as the height of the bottom outlet above the working surface;

a plurality of actuators connected to said shield; and

a system to move said shield with respect to said drum bottom outlet to selectively position said shield to encompass an area between said bottom outlet and the working surface.

Proposed Count 3:

For use with an upright coke drum having a sidewall and a lower portion that tapers downwardly and inwardly from the sidewall to a bottom and that has a large diameter bottom outlet therein, the bottom outlet being spaced above a working surface, a safety system comprising:

a removable flange member closing the coke drum bottom outlet;

remotely controllable unheading apparatus for unheading said closure from the bottom outlet;

and

a shield of dimensions in a horizontal plane greater than that of a horizontal plane of the coke drum bottom outlet and said unheading apparatus and of vertical height at least about as great as the height of the bottom outlet above the working surface,

the shield at least substantially surrounding an area between the bottom outlet and the working surface configured to confine discharges from the coke drum when said flange member is unheaded from the bottom outlet.

Proposed Counts 1, 2 and 3 correspond to Claims 1, 7, and 12, respectively, of Citgo '844.<sup>1</sup>

## **2. Identification of Claims Corresponding to Proposed Counts.**

Claims of Applicant. Claims 21-32 added to this application by the concurrently filed Preliminary Amendment correspond to each of the proposed Counts.

Claims of Patentee. Claims 1-4, 6-10 and 12-14 of Citgo '844 correspond exactly to the proposed Counts. To the extent any differences can be noted, Claims 1-4, 6-10 and 12-14 correspond substantially to the proposed Counts in the sense of 37 C.F.R. § 1.601(f) in that they are not identical to the proposed count but define the same patentable invention under 35 U.S.C. § 103.

Other than these differences in terminology to describe identical elements, there is no difference between Claims 1, 7, and 12 of Citgo '844 and the proposed Counts.

Claims 5, 11 and 15-17 of Citgo '844 do not correspond to the proposed Counts in that the same would be patentable over the count under 35 U.S.C. § 103, again assuming the proposed Counts constituted prior art.

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<sup>1</sup> Since the only difference in the terminology of Proposed Counts 1, 2, and 3 are usage of different terms, the proposed Count for the interference could further be any of Claims 1, 7, or 12 of Citgo '844. See "Correlation Between Claims of Citgo '844 and Application as Originally Filed", herein attached as *Exhibit 4*.

### 3. Application of the Terms of Applicant's Claims to Their Disclosure.

Claims 21-32 have been added to this application by the concurrently filed Preliminary Amendment. Each of these claims is fully supported by the original application as filed. *See* “Correlation Between Claims of Fetzer Application and Application as Originally Filed”, *Exhibit 5*.

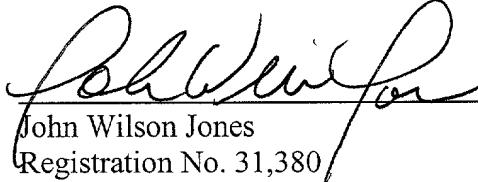
Both Applicant and Citgo '844 use identical terminology in the claims as to “apparatus”, “liquids”, “coke drum”, “discharge”, “gases”, “remotely operable”, “hydraulic cylinders”, “coke”, “bottom outlet”, “inlet piping” and “actuator”. Each of these terms has the same meaning in Applicant's concurrently filed application as in Citgo '844. The terminology used in Citgo '844 as it relates to “shield” is similar to at least one “floor plate” and/or the “exit chute” used in U.S. patent application serial no. 08/932,419. Applicant and Citgo '844 use equivalent terminology to describe other elements of the claims:

Citgo '844 Term	Applicant Term
Switch deck floor	Working surface
A system to move	Closure mover
Automatic coupling device	Connector
Unheading device	Unheading system
Telescopically positioned	Telescoping exit chute
Safety interlock system	safe mechanism
Cover	Flange member
Stowed position	Undeployed position
Operating position	Deployed position

Support in the specification of Applicant as originally filed for each of the Proposed Counts is set forth in “Correlation Between Proposed Counts and Application as Originally Filed”, herein attached as *Exhibit 3*.

Applicant also relies upon the Declaration of Kelly Fetzer submitted as a separate document of even date as well as the Declaration of John Wilson Jones. Relying upon all documents submitted of even date, Applicant formally requests that the Patent and Trademark Office declare an interference between this application and Citgo '844.

Respectfully submitted,

  
John Wilson Jones  
Registration No. 31,380

Dated: March 20, 2001

Steven S. Boyd  
Registration No. 42,353

**LOCKE LIDDELL & SAPP LLP**  
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600 Travis  
Houston, Texas 77002-3095  
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Facsimile No.: (713) 223-3717



**022904**

PATENT TRADEMARK OFFICE